



**COMMITTEE WORK SESSION
JANUARY 17, 2017**

The Committee Work Session convened on Monday, January 17, 2017 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

Roll Call: Rick Rodgers-Excused
Dennis McGlone
Joe Kernan
Dennis Pierson
Paul Tousley
Scott Pelot
Charlotte Whipkey

Also Present:
Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards
Dave White

General Topics of Discussion:

Approve Codification for 2016

Mr. Tousley stated this is boiler plate and every year we need to officially approve what we and the State has approved over the past year. Mr. Tousley moved to add this to Council's next agenda for a first reading only, with emergency language, seconded by McGlone. Ms. Whipkey asked if there is any reason not to waive the second and third readings and to get up on the website? Mr. Tousley indicated he had asked the Clerk if we need to waive or not and she had indicated she is waiting to receive the official printed pages so we could wait. Mr. Kernan clarified the draft is prepared with emergency language and Mr. Tousley concurred.

Roll Call: Yes: Tousley, McGlone
No: None

Motion passed 2-0.

Moratorium on Medical Marijuana Businesses

Mr. Kernan discussed the open discussion as most people are aware there was a House Bill passed last year and gives authority to municipalities to address them within their code. The City of Norton does not have anything on the books relating to this. The draft legislation has a six (6) month moratorium so the Planning Commission has the time to look at this. Mr. Pelot asked if we could have ninety (90) days because when we give longer time sometimes things languish out there so long.

Mr. Kernan stated he felt 6 months is enough time for the Planning Commission to get into this and get something back to the City as other communities have done the same; however, he is flexible on the time limit. Mr. Tousley asked if this State law came into effect in January and Mr. Markey replied it took effect sometime in September he believed. Mr. Tousley asked if any businesses have shown interest here and Mrs. Carr replied not that she could recall. Attorney Don Malarcik stated that he represents some individuals interested in opening a medical marijuana dispensary here in Norton. Mr. Malarcik stated that Mr. Markey was correct of the date of the new law and the State set up certain time tables from September. Public comments for the proposed rules from the Ohio Pharmacy Board ended last Friday. The timeframe for the Pharmacy Board to adopt this application and starting to accept applications will be between now and September 2017. His goal is to have applications for his clients on file in Columbus by that time and any Pharmacy Board approved license for opening and sales would not take effect until 2018. Mr. Malarcik felt a moratorium by Norton at this time is not necessary, in Norton's best interest, and explained why. Mr. Malarcik stated the rules are pretty stringent now as it must follow the municipality's zoning, and Ohio State law says it cannot be near 500 ft. of a parcel of real estate that has on it a school, church, library, public playground or park, etc. In addition, Columbus is looking for a certificate from Norton that states you meet those requirements first before the State would even consider licensing. So it is important to have a piece of property identified meeting all those requirements in order this can all be submitted by that September 2017 deadline. Also in order to be considered you need to provide them with: very detailed and complex locating the compliance of more than 500 ft. radius; hours of operation; a minimum \$250,000.00 in liquid assets and where those assets came from; criminal background checks for officers, employees and anyone affiliated with the dispensary; a full site plan showing sufficient room and security for dispensary department, a restricted room for only card holding patients to be checked in, a waiting room, and a patient care area. We, as the law firm, have to acquire software to track the product from seed to shelf: every sale, where the product initiated, current inventory, who it was sold to, what card the purchaser had, training of employees, you have to employ a pharmacist, etc. Mr. Malarcik stated he believed any concerns a responsible community might have would have been answered through the State Code process. Looking ahead to those time frames, his will be looking for the right property and all the minimum requirements in order to get filings to Columbus in time to get it done by September and a six month moratorium would only put this community behind other communities, and behind schedule for any of these potential businesses. These are the bare minimum requirements from the state; you can do more and extend the 500 ft to 1000 ft from the restricted areas. A moratorium that goes into the summer would take Norton out of consideration for a number of clients that are looking for appropriate sites to invest their time and money into in order to apply to the State. Mr. Pierson asked if any of the clients are pharmacists or in the medical community and Mr. Malarcik replied no. Mr. Pierson asked how often the State will audit and Mr. Malarcik was not sure, only that the State only provides licenses once a year and the licenses must be renewed each year. Mr. Kernan asked for that timeline for the Pharmacy Board to review and rule, and Mr. Malarcik replied September of 2017 and there are only 41 licenses to be granted to be renewed annually. Mr. Malarcik explained that 41 licenses are not many for the number of people anticipated to be served and is a very low amount compared to Oregon with similar patient numbers but 600 dispensaries. Mr. Kernan stated you really cannot begin the application process until that time when the rules are finalized.

Mr. Malarcik replied no and that he is already in process of the applications with his clients. Our goal is to have that application done in time to have ready to turn in by that September 2017 timeline. Mr. Malarcik discussed his clients are only interested in the dispensing as like a pharmacy and not in cultivation. Mr. Kernan asked if the product for sale must also be grown here in Ohio and Mr. Malarcik replied yes. Mr. Malarcik explained the proposed law does not allow for smoking the product and is looking at sixteen (16) growing/cultivation sites with a two million dollar licensing fee and if a client owns a dispensary they cannot also own a grown operation. Mr. Pelot inquired on a requirement of space between two dispensaries and Mr. Malarcik responded there was none at this time in the proposed law. Mr. Kernan asked Mr. Markey if under our current zoning code, a dispensary would be permitted and would we have to allow it. Mr. Markey answered that if you don't specifically identify and exclude it, then you would potentially have to allow it without any particular zoning classification. Mr. Kernan stated the reason for the moratorium is to give us time to regulate what we want to see or not and Mr. Markey concurred. Mr. Markey offered that the State is pretty narrow as to what they will allow the local governments to regulate and zoning is one of those issues they allow with everything else being retained at the State level. Mr. Kernan asked Mrs. Carr how much time the Planning Commission would need to look at this and Mrs. Carr stated that she spoke with the Chairman-Mr. Spisak on it and he indicated they have issues to address currently however they would look at it as quickly as possible and work it in. Mr. Pierson discussed the need for the public to be aware of the type of businesses coming in, like with a liquor license and was interested in what would cause a loss of license. Mr. Malarcik answered that Ohio Revised Code Chapter 3796 lays out all the criteria 3796.04 lists the requirements for a license and it says any violation of items on that list could potentially cause a license to be revoked. Mr. Pierson inquired if the City could cause or suggest a license to be revoked based on being it deemed a nuisance by the Community and Mr. Markey relayed that is a complicated issue and how a Court would review that is applied to the State Regulator, but he does not have a real good feel for how that would go right now. Mr. Kernan added this is a whole new area of law here. Mr. Malarcik stated this is considered a business opportunity, and just looking at Colorado has about 5.3 million residents or about half of Ohio's population, and last year they grossed over 1 billion in marijuana sales in 11 months last year with over 108 million in taxes and fees for licenses. This is coming and you have to decide if it fits in the community and what restrictions you want to place on this. He is suggesting again that he did not believe anyone was going to wait until September to start the application process; it starts now and he is trying to identify places in the State that are welcoming. Johnstown Ohio, near Columbus, has passed a legislation stating they welcome these types of businesses and will work with them; he felt there were lots of folks looking for places like that to bring in that kind of revenue. Mr. Kernan stated this is state tax revenue coming and probably used for State highways and services and he questioned how much of that revenue would actually be coming back to this community and if not why we should allow this if there are other communities willing to let them come in? Mr. Malarcik indicated there is no provision in the State law permitting municipalities to collect additional taxes. Mr. Malarcik stated you will receive employment tax, income tax but you cannot add your own additional tax in addition to what the State will impose. It's not like these dispensaries are old gas stations turned into a dispensing location. The State requires the locations to be secured facilities where everyone is I.D. checked and screened upon entering. These will be big operations employing security teams, licensed pharmacists and employees.

These locations could also be vacant buildings that fit the requirements which are currently sitting empty. Mr. Pierson asked other than the property taxes and payroll taxes, what would you calculate to be the number of employees, and expected revenue. Mr. Malarcik stated that we project a full time pharmacist and possibly 16 full or part time employees. Mr. Malarcik addressed Mr. Pierson's concerns with the potential of impaired drivers and indicated that you cannot just buy the marijuana and smoke it or consume it out in the open. You are buying a medical product that is supplied to you. Mr. Pierson expressed his concerns with the opioid situation already in this community and he would like to have the feedback from our Chief of Police and possibly the Summit County Prosecutor as to how this would affect our community. Mr. Malarcik stated that as a criminal defense attorney he has a very personal and up close appreciation as to how this heroin addiction epidemic affects the community and their families. In looking at studies as to how this epidemic arrived, it's not because of the use or abuse of marijuana, its doctors over prescribing medications. Akron Police Chief had commented recently at a meeting that in 2015 there were enough over prescribed medications to give eighty-eight (88) opiate pills to every adult living in Akron. If you look at the deaths, there were 10,000 deaths in a nine year period due to over prescribed drugs and none of those deaths were due to marijuana. We really have to look at the root of the problem here and it's not medical marijuana. Mr. Pierson asked why Norton was being chosen for this over Copley or another City and Mr. Malarcik responded that his client has a building here that he is interested in using. Ms. Whipkey asked on the revenue quoted from Colorado and if that was just medical marijuana use as they also allow recreational use. Mr. Malarcik responded it was both recreational and medical. Ms. Whipkey then asked Mr. Markey if it wasn't currently 1,000 feet required for the skilled games to be located from schools and such with Mr. Markey concurring. Mr. Markey added that we can regulate their zoning, but was not sure we could change the distances and Ms. Whipkey reminded everyone that Mr. Malarcik had stated we could. Mr. Kernan stated we would have to look but he thought it would be covered under the State and not our Code from what he read. Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, wondered if it was against the law to turn this down completely and stated that he has spoken with at least 100 residents about this and none of them are in support of this. Mr. Markey responded that State law only allows the termination on zoning; we do not issue the license. They are looking for proper zoning and appropriate use from the City; we have no control over where it goes other than doing it by zoning. Mr. Gainer surmised there was no way for communities to stop the dispensaries and Mr. Markey responded there would be some that would try by moratorium and extensions on moratoriums. Mr. Gainer stated that figures lie and liars figure. Mr. Gainer stated that its nonsense to think this will be a wonderful thing in the City of Norton. Mr. Gainer stated that if they are run 100% to the law do you think those average persons entering are truly in need for this product. Mr. Gainer stated the only people he has seen are little children sick, but on TV you see tons of people going to them. Mr. Gainer stated you can be intoxicated from the vapors from this. Mr. Gainer stated if there is a way to disallow this now we should do it immediately. It's been illegal for years and it should stay this way and he does not care what Colorado or anyone else is doing. Mr. Gainer stated he personally knows what marijuana does to you because he used it when he was young and it was the dumbest thing ever did in his life; anybody involved in running this City that says this is a good idea for Norton, does not deserve to be running the City of Norton period.

Mr. Jim Lino, 5058 Grove Avenue, Norton, Ohio, stated that if this is a medicine then why is it treated any differently than any other drug and used the example of using an antihistamine putting one to sleep. Mr. Lino asked if it is a medicine then why do they have to pay \$80,000.00 a year to be able to sell this when other drugs are sold every day? All he understands is that there is a dollar bill to be had here somehow or someone figuring out how to smoke it somehow. Mr. Kernan replied he believed we are stuck with this because that is how the State legislature did this. Mr. Pierson stated he thought the revenue would be small due to the employment involved and the older residents would not approve of it outside of treating Cancer. We need to look at it closer. Mr. Kernan stated there have been several questions that have come up this evening that we cannot answer tonight until we can get the Planning Commission to investigate and make some recommendations. Ms. Whipkey stated she would be in favor of cutting back the time for the moratorium and pointed out that medical marijuana was used for seizures, glaucoma, and pain control as well as cancer. Mr. Kernan moved to add this to Council's next agenda with a four (4) month moratorium and the recommendation from the Planning Commission with emergency language and waiving the second and third readings, seconded by Mr. Pelot. Mrs. Carr indicated that the Planning Commission agenda for next Tuesday is already posted.

Roll Call: Yes: Kernan, Pelot, Whipkey
 No: None

Motion passed 3-0.

InSITE Advisory Group Contract Renewal

Mr. Kernan turned this discussion over to Mrs. Carr for the details. Mrs. Carr stated that InSITE has not increased their prices for this year and their full proposal is in your packet and is almost like a retainer. Mrs. Carr stated that when she receives calls about economic development she generally refers them to InSite nine (9) out of ten (10) times for them to review and work on the different possibilities. Mrs. Carr stated that in addition to their contract there are other things they also work on such as business retention. Mrs. Carr gave a brief history of their work such as the development of the building, employee hiring and orders within KDA that she could not have pulled off on her own without the help of InSITE. Ms. Carr stated that their resources and insights with getting the CRA established and in place were very instrumental in getting this done. Mrs. Carr stated that initially KDA was to be about a \$2.7 million dollar investment and at this point it's more like \$4 million and they are fully staffed and are now taking orders for their products. With this business alone it is well worth having InSITE on board with us. Mrs. Carr briefly discussed the Cleveland Massillon corridor which actually falls within land development so InSITE has been involved in these discussions as well and they are working on potential people coming in. We have some very good potential opportunities there, however at this time is too preliminary to discuss with Council. Mrs. Carr stated that we are continually working with DB Hart as part of the corridor and is part of their original contract with the City to re-work the zoning in this area and has been discussed with the Planning Commission. The Planning Commission has met once on this, which she had invited Council to that, and please feel free to attend future meetings. The next step will be the Planning Commission establishing the definitions in place on descriptions of the types of businesses that should fit in that corridor and this information will eventually be presented to Council.

Mrs. Carr encouraged anyone on Council to attend these Planning Commission meetings or coming in and getting individual information. Mrs. Carr discussed the AP gas station and that she wished that it was a simple process but it's not. We do not own the AP property yet, the company that does own it is basically defunct and most communities face our same struggles. Mrs. Carr stated this is a blighted area and we could have a truly viable business here. We are working with InSITE and the land banking process to achieve this and this could be the year it all takes shape, to get possession of the land, tear the building down, use the brownfield grants available to us. Mrs. Carr stated we are working with InSITE and the school on the Cornerstone property and there is need to get the right fit and use for this building as this is a very important corner of our City. Mrs. Carr briefly discussed the Sunset Trailer Park and the owners had at one point indicated they are ready to sell. We have been upfront with them and advised them that this is not the most desirable location for a trail court in the center of town, and we need to redevelop this into more of a business corridor and we are still working with them. They are also dealing with some issues with the State of Ohio because their recent inspections have not been good. Business retention is something very important that InSITE has been helping us with. Since we no longer have the Norton Business Development Task Force in place we need InSITE's assistance in reaching out to those businesses to see that they are satisfied and if we can help them in any way to help them grow. InSITE is also working on an inventory of all the vacant business buildings and establishing a listing of a database to be pushed out to other agencies so they know what parcels are available and what services are there, such as Ohio Edison, Summit County and the Chambers of Commerce. We never had such a database until InSITE got involved with that and we need to know what and where things are available. Mrs. Carr stated that one thing she hears from Council is why can't we be more like Green or Hudson when it comes to business development. We need to be looking at what kind of rules and zoning should we have in place to make certain areas like the Cleveland Massillon Road corridor look more uniform and to attract more businesses. This is what those other communities do and they have the proper commercial regulations already in place. For example in Hudson their McDonalds does not look like a McDonalds. Our signage regulations is really a hodge-podge; it's confusing to the drivers as some signs are high up and some are down low to the ground, even ODOT was surprised in the widening project with the lack of regulation we have. Mrs. Carr also indicated InSITE has helped with our tax incentives and is constantly looking for grants or incentives to help us with future developments. Mrs. Carr stated she is open to suggestions from Council and if you find something we need to take a look at to let her know. Mr. McGlone stated we need something like this for the City as we need something that will help bring in new businesses. If we do not use their services we would be bringing in someone else anyway. Mr. McGlone stated it seems as the Administration is very happy with what InSITE has been doing and he has no problem renewing their contract. Ms. Whipkey recalled last year they had talked about adding some additional staffing for a Planning Department and asked if that ever took place. Mrs. Carr replied that is under review and currently they have four (4) people that work out of their office. Mrs. Carr stated they have formed a very nice relationship with David Hart-D.B. Hart and they collaborate well together. Mr. Tousley asked about the D.B. Hart contract from a few years ago and Mrs. Carr indicated that we are still working off of that same contract. Mr. Tousley asked how that is paid and Mrs. Carr indicated that we pay as items are completed. The contract was for approximately \$20,000.00 and we have not used all of that up yet.

Mr. Pelot stated he would like to continue working with InSITE and would like to see them involved in the Cleveland-Massillon Road widening project on an advisory team as to what they see working well in other communities. We need to have them in place before that project is done or else this will become a hodge-podge. Mrs. Carr assured Council that they are very involved in this project; they have been attending the Planning Commission meetings and will continue to do so. Mrs. Carr stated the very first thing D.B. Hart did on this project was to sit down with InSITE and go over the plans and this is a work in process. Mrs. Carr discussed the potential of having a business like Starbucks in this area because they look for easy highway access which is what Norton has to offer, so we are looking to see if our zoning near the highways permit these types of business. We recently met with InSITE and Akron General about their property where the old Hunky Dory bakery used to be. Mrs. Carr stated that we are pursuing with them what can be done with that land and this is a good time to do so because Akron General is now merged with the Cleveland Clinic. Mr. McGlone concurred with Mrs. Carr that this is something they have been working on as he had a resident concerned with what might be going on with that property. Mr. Pelot stated he would also like to have their advice on the medical marijuana businesses as well that they may have seen. Mr. Pelot asked if there is a bond required from businesses so that we don't end up in the mess like we have going on now with the AP gas station? Mrs. Carr stated we would need to look in to that and get Mr. Markey's feedback on it. Mr. Pierson stated he has no problem with having a consulting firm but when taxpayers are laying out money they want to see measureable results because that's what matters in the end. On the comments relating to zoning; he felt that Hudson is very typical in their colonial styling of their community and if we have zoning and building codes we need to enforce them. Mrs. Carr stated that we currently do not have a commercial code at all right now, which is part of our problem. Mr. Pierson stated we have codes now that are not enforced and you can drive around and take a look at the appalling amount of trash and debris in peoples yards within the community. Mrs. Carr stated that with all due respect she is happy to enforce anything the residents ask us to do; and that she was very clearly told by this Council to only address zoning issues that are complaint driven. Mr. Pierson stated the reason Hudson and Stow are so successful within their business community is because they have codes that are followed. You cannot have one neighborhood that is clean and orderly, where you have another full with junk vehicles and trash, etc. Mr. Pierson stated he had a complaint in his ward yard last week with a vacant home where the trash and furniture was left in the yard. Mrs. Carr stated we do have current codes were we can enforce something like this. Mrs. Carr stated she is hopeful Council will be willing to push for those new commercial codes. Mr. Kernan stated we have needed to address these zoning codes since he first started on Council in 1997 and we need to get on with it. Mr. Pierson stated it's not that Council is trying to regulate people's lives, but as a community we must have certain standards, just like you have personal standards to live by. There was discussion about the property owner of the AP, is the Millennium Group, and where they stand with the cleanup process. Mr. Pierson asked if they have been paying the property taxes on that parcel? Mr. Markey replied no adding they are two (2) to three (3) years behind. Mr. Markey stated the land bank can have an expedited foreclosure which is one of the couple of things we are working on. The Land bank would take title of the property in that process and working with several clean up companies and with NEFCO to get grants to do this with some other additional funding from brownfield dollars. All of this will come together soon and there is a pilot project they are doing in Springfield now.

Once this is completed they will be rolling that out to other communities. Mr. Pierson discussed the length of time of tax debt and potential of the City buying that tax debt off from the County and Mr. Markey replied that the County sells a large group of properties with back taxes owed through a Sheriff's sale. Mr. Pierson stated he thought you can still buy them off individually and it used to be six months, but now is 30 days to satisfy the debt. Mr. Markey replied they can ask for a foreclosure sale and its usually one corporation that buys them all up at the same time. Regardless of the lean the land bank still has to go through a Board of Revision which is a weird avenue and they can ask for a quick foreclosure. Mr. Pierson discussed a public nuisance for safety with this property and it that was an avenue the City could pursue? Mr. Markey explained that there is a statute to apply as a City to abate the nuisance, go into court and obtain receivership to obtain that property which we were discussing with InSITE last week. You then can go in either as a neighborhood group or as a City and have that property cleaned up and those cleanup costs would be assessed on the property. Mr. Pierson also discussed the fact there are underground gas tanks abutting up to residential property and the EPA issues for testing this creates. Mrs. Carr stated that is part of the brownfield clean up and is the first process taken. Mr. Pierson stressed his point to make this all so expensive for the owner or corporation to clean up that they just give up and walk away, and we end up with the property. Mr. Markey explained that legal action is only attached to the personal property it's not in the legal jurisdiction for criminal or civil liabilities. You can clean up the nuisance, make it very expensive, place the lien on the property and all of this is only against the property; it's not against the entity itself. Ms. Whipkey reminded we are discussing the InSITE contract and have now gotten off topic. Mrs. Carr once again invited any of Council that was interested to attend the AP meetings. Mr. Kernan asked if there is any reason we cannot go all three readings and Mrs. Carr indicated this would be fine.

Mr. Kernan moved to add this to Councils next agenda for a first reading with emergency language, seconded by Mr. McGlone.

Roll Call: Yes: Kernan, McGlone, Pelot
 No: None

Motion passed 3-0.

2017 Road Program

Mr. Pierson stated he spoke with Mr. White today as well as Mr. Reynolds and he had asked Mr. Reynolds for his existing road listing and grade these roads 1-5 in his best estimate outside of the Benza report on how badly they need addressed. Mr. Reynolds and expressed to him the serious problems we have with the paving project done a few years ago on Johnson Road. Mr. Pierson discussed the fact that the County is off of the hook now for these repairs and asked if we billed the County for the second set of repairs that were made? Mrs. Carr stated there are a couple of things going on there and we have addressed them with the County. Mrs. Carr stated this road was done rather quickly with the overlay process. Mr. White stated we actually did a base reconstruction process there and at that time we did not do a soil base analysis. Since that time that has been recommended within the Benza report.

Mrs. Carr stated had we done this back then it may not have solved the problem but it would have provided us with more knowledge on the proper repair. Mr. White stated he strongly suspects our biggest problem there is septic seepage because the problem areas are right in front of clusters of homes and is rather common. This creates constant moisture at the road base and we need to confirm that and determine the course of action. If it is determined to be cause by the septic seepage we will need to work with the Health Dept. on how to rectify that. This does not mean the septic systems are not working properly; it could be clean water, however it could be staying in this area and not drying up and ruining its base. Mr. White stated there may need some slight changes to the roadway to build it up to the level that is desired for the drainage pipe. We need to do some soil sampling in that area to draw a better conclusion. Mrs. Carr stated the County is well aware of our concerns and she was disappointed to learn the warranty period was not the two (2) years that she thought it was; it was only for one (1) year upon completion. They know we are not happy and they have been cooperating with us. Mr. White noted that the contractor did come out and make some repairs within that first year and they agreed we have a moisture problem. Mr. Pierson discussed the ditches being done on either side of the roadway and he had discussed this with Mr. Reynolds. Mr. Pierson stated he would be very surprised if any ditch work was done in this area in the last three (3) years. The ditches are all very uneven, and there is water standing in most of them and obviously is not draining away. Mr. Pierson noted in the Benza report we need to keep water off of the roadways to keep them from freezing and thawing. Mr. Reynolds indicated to him that the City does try to do that but it's really a manpower issue as well as the time to get to it. Mr. Pierson recommended we go out and start ditching; there is no sense in putting money onto roadways just for them to fall apart. Mr. Pierson stated we have \$731,000.000 set aside this year for the roads and we need to do them right. There was discussion about the Fund #128 and Fund #127 and now with the sewer agreement completed with Barberton we need to address this because there is over \$1 million dollars in the Fund #128 account that could be put to use for our roads. Mr. Pierson stated the Fund #127 is currently tied up in litigation with the Adair lawsuit and probably cannot be addressed until that is resolved. Mr. Markey explained that was correct and if you intend to use that it's dedicated for sewers. Mr. Pierson stated he understood but since we are no longer in the sewer business he was not about to hand that money over to Barberton. Mr. Pierson stated he would not be shocked to see the residents put the use of the Fund #128 on the ballot. We as Council have the authority to change that now without having to go to the taxpayers for it. Mr. Tousley asked if Summit County will still work with us to get the repairs done and Mrs. Carr replied yes they are very involved with us in working out a plan to correct that in the most cost effective way possible. However, from the point of that completed project back then we have since then changed out methodology and we do more core samples now and we are picking different methods now than before which would improve things in the future. Mr. Tousley stated he was confused with Mr. White's comments, as this road was always in terrible shape but never sunk like this before the paving was done and is getting worse every week. If what Mr. White is saying why is the sinking just now starting and not a year and a half ago? Mr. White indicated those soil borings will tell us that story. Mr. Pelot asked if that had been scheduled and Mrs. Carr responded it had not, but it was relatively easy and inexpensive to do. Mr. Pelot asked about soil sampling being done on Cleveland-Massillon Road and Mr. White stated this is an ODOT project and that's being done and reminded everyone that road used to be a State Route many years back and they always have more money to put on the roads than local communities do.

Mr. Pelot asked if we have any problematic areas there and Mrs. Carr replied none that she has been made aware of. Mr. Pierson asked Mr. White if the City has set standards for proper ditching for the proper flow. Mr. White replied yes we do if we are replacing any existing pipe. Mrs. Carr indicated that in the last few years Mr. White has been more involved with Mr. Reynolds and the replacement procedures. Mr. Pierson discussed the prior City Managers driveway pipes were replaced but was done with under sized diameter which cannot handle the flow. Mr. Pierson stated if we replaced these pipes with the proper size we would not have these water runoff issues. Mr. White stated that pipes in ditches will never stop the runoff problems; that actually cause the problem. Mr. White commented that other communities have done no pipes to solve their issues and allow nature to take its course in providing a flow naturally. If you put in a pipe and it plugs up then you will have runoff issues; it washes out roads, fills up yards, floods basements. Mr. Pierson stated he does not recall the last time he was in Hudson or Silver Lake and saw cattails growing up in the neighborhoods. Mrs. Carr stated that would be because Hudson and Silver Lake actually have storm sewers with inlets and catch basins that catch all of this and Norton does not. These storm sewers are very costly to install and to maintain and laying in pipe is not considered a storm system. Mrs. Carr also noted in Hudson there are some areas that still have ditching and back in 2003 or 2004 they had substantial flooding because of this. Mr. Pierson stated if we put the proper pipes in to fix this he was sure the residents would not have an issue paying for the correct fix. Mr. Kernan asked Mrs. Carr if what she is asking for now is legislation so that she can go out for bid and she concurred she would like to do that in February. Mr. Pierson moved to place this on Councils next agenda, with emergency language and waiving the readings, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, Tousley
 No: None

Motion passed 3-0.

Firefighters Dependents Fund

Mr. Tousley discussed the appointments from last year as being himself and Mr. Rodgers. Mr. Tousley asked if there were any volunteers for this year, and noted he would be happy to serve again. Mr. Pelot offered to serve for 2017. Mr. Tousley asked if a vote or legislation was required and Mrs. Richards replied neither were necessary, she would see the forms are filed and processed through.

Agricultural District-Tom Dayton Nursery

Mr. Kernan stated that this is a renewal application for Tom Dayton Nursey and that we will be having the public hearing next week. Mrs. Richards noted we are very short on the timeline to get the documents filed. Mr. Kernan moved to add this to Councils next agenda with emergency language, waiving the readings, seconded by McGlone. Mr. Pelot asked about the public hearing advertisement and Mrs. Richards indicated this was already placed in last week's Barberton Herald and the hearing will be on Monday at or about 7:15 PM and then on to the reading.

Roll Call: Yes: Kernan, McGlone, Pelot
 No: None

Motion passed 3-0.

Gas line Easement-Dorothy Court Service Garage

Mr. Pierson turned this over to Mrs. Carr since Mr. Rodgers was excused. Mrs. Carr stated as part of the energy program we need to replace the heaters in the Service Garage and they are very expensive to run on electric. There is no gas line at the Service Garage and it was proposed to run a new gas line here. We will be getting grant money for the easement to run on our City owned property. All of the paperwork is in process and we need Councils authorization and urged for quick passage because every month is a delay. Mr. Tousley asked if this would be done in time for this heating season and Mrs. Carr stated yes, they are just waiting for us to approve legislation. Mr. Pierson moved to add this to Councils next agenda, with emergency language and waiving the readings, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey
 No: None

Motion passed 2-0.

ODOT Consent Legislation-Paving Cleve-Mass. Road

Mr. Pierson stated that is just a consent allowing the legal authority for within our boundaries. Ms. Whipkey added that this does not cost the City anything. Mrs. Carr indicated this project is quite a ways out in the future to 2022 so it can go all three readings. Mrs. Carr also noted that emergency language is not necessary either. Mr. Pierson moved to add this to Councils next agenda with emergency language and waiving the readings, seconded by Ms. Whipkey.

Roll Call: Yes: Pierson, Whipkey, Tousley
 No: None

Motion passed 3-0.

Then & Now Certificate

Ms. Whipkey stated that we currently have four (4) then and now certificates that we need to take care of as soon as possible. These are for payments that are over \$3,000.00 that were scheduled earlier and finished at a later date. This will make the auditors happy as well as better financial tracking. Mr. Messner stated these four (4) are for: TranSystem Real Estate Consulting for Cleve-Mass. Widening; Sundance for Police Dept., Livestream is for Council video and Bureau of Workers Compensation is for payroll. Ms. Whipkey moved to add this to Councils next agenda with emergency language and waiving the readings, seconded by Mr. Pelot.

Roll Call: Yes: Whipkey, Pelot, Tousley.
 No: None

Motion passed 3-0.

Unfinished Business:

Mr. Tousley asked about all of the heavy rain last week, he was curious if the Newpark Drive project was complete? Mrs. Carr replied not quite however the rainfall levels up north were not as large as we had expected them to be. In addition there were no issues at Silver Springs Drive with all of that rain. Mr. Tousley asked when the Newpark Drive project would be done and Mrs. Carr indicated she would get Council the time line on this. Mr. Pierson asked about the exit for the new school on Easton as he had received numerous complaints about the commercial truck traffic here. Mr. Pierson stated he spoke with the school and they were to get back to him. Mrs. Carr stated that will be the main bus route on Easton Road. Mr. Pierson stated commercial truck traffic is tearing up the roads and causing traffic to back up. Mr. Pierson stated he wants signs posted in this area that say "No Commercial Truck Traffic". Mr. Pierson stated he expects the Police Department to be enforcing this and if the drivers have no bills of lading, he wants to see them fined. Mrs. Carr stated there are specific streets that are designated and she does not believe Easton is on that list. Mrs. Carr stated she was not aware there are still complaints on Easton and would look into that. Mr. Pierson expressed his frustration with the school and the board members getting back to him as he has a duty to respond to those complaints. Mayor Zita commented that the school did not go back in session to the new school until January 9, 2017. Mrs. Carr stated she would look at the legislation but it would probably take new legislation to address this.

New Business:

None

Topics for the next Work Session:

Mr. Kernan stated he would like to have the discussion about the need of Fund #128 and Fund #127 and use these monies for the roads. Mr. Kernan stated the Fund 218 will continue to have money coming into that for some time. Mr. Pierson stated he would rather Council take charge of this instead of it going to the voters. Mr. Pelot discussed the Cleveland Massillon Road corridor and we need to maybe do what we can to get sewer and water to those commercial areas to attract new business. Mr. Pierson cautioned Barberton being involved in these discussions since they are our sewer provider. These decisions should benefit the residents that live in this city and not elsewhere. Ms. Whipkey also wanted to have discussion repealing the City of Norton 27.5% surcharge. Mr. Markey stated that under the agreement there will be no need for this and it needs to be taken off of the books. Mr. McGlone stated that for those who were with Summit County DOES have already started to have that \$30.00 fee taken off of your taxes for the maintenance assessment. Mr. Pierson asked if that would have any effect on the Adair case moving forward, and Mr. Markey stated he believed this would be a moot point going forward as it does not change what the claim in the past. Mr. Pierson asked about the money collected which is going into escrow and what that current amount is now? Mr. Markey replied he would have to look this up. Ms. Whipkey stated that 27.5% is still being collected and Mr. Markey concurred that this is still going into that fund.

Public Comments:

There were none.

Public Updates:

Mrs. Carr reminded everyone the Park Board is meeting tomorrow at 5:15 and will be at the Norton Library and is more of a work session to make plans for 2017. Mr. Messner commented about Police car #62 that was totaled in the accident. We are working on a settlement with the insurance company for a claim of about \$22,000.00. The inside equipment was valued at over \$9,000.00 which was recently updated; we are pushing this to the insurance company as well. Mr. Messner indicated unless there are objections to Council when those insurance funds do come in he would like to deposit them into Fund #140 for the Police Department to replace that cruiser, there were no objections. Mr. Messner stated we may end up paying about \$1,000.00 out of pocket when this is all said and done. Mr. Pierson asked who the insurer is and Mr. Messner replied it is USAA and our agency is Selective and we went through ours because we need to get this vehicle replaced. We will just subrogate it back to them when the settlement comes in. Mr. Messner indicated that the Chief is in the process of getting quotes for the two (2) new cars that were already budgeted for 2017 and is in addition to this replacement vehicle. We have budgeted \$50,000.00 for the two (2) new vehicles and will be asking for legislation very soon. Ms. Whipkey asked if it is possible to get all three vehicles at once and get a better deal and Mr. Messner stated that is what we are trying to do. Mr. Pierson asked if we are still getting funds from the construction sites for our services and Mr. Messner replied not recently, this has slowed down somewhat. Last payment was for about \$8,000.00 sometime last fall and the payments are based as when they need our services we will get paid. Mr. Pelot asked about the CCA for taxpayers and Mr. Mayor Zita stated he would make that announcement next week. Mr. Messner noted this information is available on the website and at the counters.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8: 47 PM.

Charlotte Whipkey, President of Council

NOTE: THESE MINUTES ARE NOT VERBATIM

****ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE CLERK OF COUNCIL.****

All Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.